

REMARKS

Claims 1-6, 8, 11-17, 25-30 and 37-41 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-6, 8, 11-17, 25-28 and 37-41 have been rejected under 35 U.S.C. §102(b) as being anticipated by Nathanson (U.S. Patent No. 3,528,590). Claims 29 and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nathanson in view of Daitch (U.S. Patent No. 3,373,878).

Applicant thanks the Examiner for the courtesy of a telephonic interview on March 23, 2005 during which certain of the foregoing rejections under 35 U.S.C. §112, second paragraph, and §102(b) were discussed. With respect to the words “circumferentially-closed” in Claims 1, 11 and 25, the undersigned directed the Examiner to the next to the last paragraph on Page 8 of the previously submitted Amendment After Final dated October 14, 2004 where it is stated: “On the contrary, apertures 11 in the hanger spacing device disclosed by Nathanson are not circumferentially closed, but instead are connected to respective slits 12 and thus not closed.” In this regard, the “circumferentially-closed holes” referred to in the claims mean holes such as those shown in FIGS. 1-4 of the referenced application that are not accessible by slits such as slits 12 disclosed in Nathanson or by narrowed portions 109b of the slits 109 illustrated in FIGS. 9-12 of the referenced application. Claims 1, 11 and 25 have been amended to provide additional clarity for the purpose of the circumferentially-closed holes.

The undersigned and the Examiner further discussed the language “adapted for slidably receiving the ... necks of the hangers” contained in certain of the claims. The undersigned advised the Examiner that such language did not refer to accessing “circumferentially-closed holes” by means of a slit, such as disclosed in Nathanson, but rather referred to sliding the spacer over the hooks and thereafter down the necks of the plurality of hangers. Claims 1 and 25 have been amended to delete the word “slidably” and Claim 11 has been amended to change the word “slidably” to “threadedly” to make clear that the circumferentially-closed holes threadedly receive the hooks and adjoining necks of the plurality of hangers, in each case in an effort to make the claims more definite. The undersigned further pointed out to the Examiner that the circumferentially-closed holes called for in certain of the claims desirably serve to retain the

necks of the plurality of hangers within the holes during transport. In contrast, slits 12 of the Nathanson device would easily permit a hanger to slide out of the respective aperture 11 during transport.

The Examiner has further inquired, as to Claims 4 and 13, how the body called for in these claims can have a “crease” yet also be “free of folds.” Although not discussed in the telephonic interview, the Examiner is directed to the bottom of Page 7 of the October 14, 2004 Amendment After Final where it is stated: “Webster’s Ninth New Collegiate Dictionary defines the noun “fold” to include a part doubled or laid over on another part. ... [B]oth Richer ‘160 and Richer ‘460 disclose a suspension means that is folded.” In contrast, Webster’s New International Dictionary, Second Edition, Unabridged, defines a “crease” to include “a line or mark made by folding any pliable substance; hence, a similar mark, however produced.” It is thus clear that a “fold” is more limiting than a “crease.” Hence, a body can be “free of folds” and still provided with a “crease.”

Claim 8 has been amended to replace the word “openings,” for which no antecedent basis is provided, with the word “holes.”

Nathanson discloses a spacing device A preferably comprising an elongated body portion 10 having a plurality of apertures 11 which extend through and are longitudinally spaced along body portion 10. A plurality of slits 12 may be provided in body portion 10, one slit for each aperture 11, each such slit extending from an exterior edge 13 of body portion 10 to communication with an aperture 11. Col. 1, line 71 through Col. 2, line 5. Clothing hangers B are normally received by spacing device A by insertion of the neck 17 of the hanger through a slit 12, and into an aperture 11, as shown in the extreme left hand side of FIG. 3. Slits 12 are spread apart during insertion of a clothing hanger B, and it thus becomes obvious that body portion 10 of spacing device A must have sufficient resiliency to permit the confronting faces 14 and 15 of each slit 12 to recover after insertion of a hanger neck 17, so that the confronting faces of such slit will return to a normal substantially abutting relation and maintain a hanger neck 17 within an aperture 11. Col. 2, lines 23-34.

As pointed out to the Examiner in the telephonic interview of March 23, 2005, independent Claims 1, 11 and 25 are each patentable over Nathanson by calling for, among other things, a plurality of longitudinally spaced-apart circumferentially-closed holes.

Claims 2-6, 8, 37 and 41 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein. Claims 12-18 and 38 depend from Claim 11 and are patentable for the same reasons as Claim 11 and by reason of the additional limitations called for therein. Claims 26-30, 39 and 40 depend from Claim 25 and are patentable for the same reasons as Claim 25 and by reason of the additional limitations called for therein.

It would not be obvious to provide a hanger spacing device of the type disclosed in Nathanson but without slits 12 therein. Although, as noted above, Nathanson states that a plurality of slits 12 may be provided in body portion 10, one slit for each aperture (Col. 2, lines 2-3), Nathanson further provides in Col. 2 starting at line 23:

Clothing hangers B are normally received by spacing device A by insertion of the neck 17 of the hanger through a slit 12, and into an aperture 11, as shown in the extreme left hand side of FIG. 3. Slits 12 are spread apart during insertion of a clothing hanger B, and it thus becomes obvious that body portion 10 of spacing device A must have sufficient resiliency to permit the confronting faces 14 and 15 of each slit 12 to recover after insertion of a hanger neck 17, so that the confronting faces of such slit will return to a normal substantially abutting relation and maintain a hanger neck 17 within an aperture 11.

Nathanson previously provides in Col. 1 starting at line 21:


In laundry and cleaning establishments, after an article of apparel has been laundered or cleaned, the same are frequently placed on clothing hangers which are then hung on a rack or bar, usually in a tightly packed relation with the apparel hung thereon being crushed together. When there are several articles of apparel, on separate hangers, for a single order, the hanger necks may be tied together to indicate that all of the apparel on such hangers belong to a single order and will normally be picked up by the delivery man and delivered to the customer in this tied together apparel crushing relation.

It is clear from the foregoing, and Fig. 3 of Nathanson, that Nathanson advocates the use of a slit 12 so as to permit additional hangers to be coupled into its hanger spacer device when such device is already coupled to one or more hangers resting on a bar, as shown in Fig. 3 of Nathanson. As such, Nathanson in fact teaches away from a hanger spacer of the type claimed with longitudinally spaced-apart circumferentially-closed holes for sliding over the hooks and onto the adjoining necks of hangers. The circumferentially-closed holes enhance retention of the hangers within the hanger spacer when the hooks of the hangers are grasped by a person transporting the hangers and garments or other objects thereon.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

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